

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

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Amendment of Section 73.202(b))	
Table of Allotments)	MB Docket No. 05-270
FM Broadcast Stations)	RM - 11268
(Aguila, Apache Junction, Buckeye, Glendale,)	RM - 11272
Peoria, Wenden, and Wickenburg, Arizona))	

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NOV 17 2005

To: Office of the Secretary
Attn: Assistant Chief, Audio Division
Media Bureau

Federal Communications Commission
Office of Secretary

COMMENTS

Entravision Holdings, LLC ("Entravision"), licensee of Stations KVVA-FM, Apache Junction, Arizona; KDVA(FM), Buckeye, Arizona; and KLNZ(FM), Glendale, Arizona, by its counsel, hereby submits its Comments in the above captioned proceeding. *See Notice of Proposed Rule Making ("NPRM")*, DA 05-2495, released September 26, 2005. Entravision's *Petition for Rule Making* proposed to, *inter alia*, (i) delete Channel 296C3 at Apache Junction, Arizona and allot Channel 296C1 at Peoria, Arizona as that community's first local service; (ii) delete Channel 295A at Buckeye, Arizona and allot Channel 295C3 at Wenden, Arizona as that community's first local service; and (iii) delete Channel 278C at Glendale, Arizona and allot Channel 278C at Buckeye, Arizona.¹ In support thereof, Entravision states as follows.

1. Entravision hereby affirms its interest in modifying the facilities of Stations KVVA-FM, KDVA(FM), and KLNZ(FM) as stated in its *Petition*. If the *Petition* is granted, Entravision will file applications for Channel 296C1 at Peoria, Channel 295C3 at Wenden, and Channel

¹ The *NPRM* recognized that with the recent issuance of the permit for Station KCKY(AM) to serve Apache Junction, all communities which will lose a service as a result of this proposal, will also retain existing service.

278C at Buckeye, and will construct the facilities if its applications are granted. In support thereof, Entravision states as follows.

2. The *NPRM* requested a *Tuck* showing demonstrating Peoria's independence from the Avondale, Arizona Urbanized Area and a comparison of Petitioner's proposal to the proposal filed by Black Entrepreneur Association, Inc. ("BEA") to allot Channel 229C3 at Wickenburg, Arizona as that community's fifth local service. First, Entravision's engineers searched for an alternate channel to eliminate the conflict between the two proposals but have been unable to find a solution to the conflict. Therefore, a comparison between the two proposals is necessary.

3. The Commission must favor first local service to Peoria (2000 U.S. Census population 108,364) and to Wenden (2000 U.S. Census population 556) under Priority 3, a first aural service to an area of 94 square kilometers under Priority 1, and a second aural service to an area of 1,209 square kilometers containing 1,735 persons under Priority 2 over a fifth local service to Wickenburg (2000 U.S. Census population 5,082) under Priority 4. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

4. Second, Peoria is independent of the Avondale Urbanized Area.² From the proposed transmitter site, KVVA-FM would place a 70 dBu contour over 100% of the Avondale Urbanized Area, and Peoria is located approximately 19 kilometers from Avondale. The 2000 Census population of Peoria (108,364) is 300% larger than the population of Avondale (35,883). In its *Petition*, Entravision submitted evidence of Peoria's independence, and hereby incorporates that evidence by reference. For example, according to 2000 Census figures, 6,971 of 49,507 employed individuals in Peoria, or 14.1%, work at their place of residence. The

² The Petitioner previously demonstrated that Peoria is independent of the Phoenix-Mesa Urbanized Area under the *Tuck* criteria.

Peoria Times is a weekly publication that has served the community of Peoria since 1952. The Peoria Chamber of Commerce publishes a monthly newsletter, the *Peoria Progress*, which provides the residents of Peoria with a monthly progress report on the economic development of Peoria through in-depth articles on local business development. Peoria is Arizona's 4th largest city in terms of incorporated area, and 9th largest city in terms of population.

5. Peoria was incorporated in 1954. The government of the City of Peoria operates independently of any other government, and is run by a mayor and a six member council. There are approximately 19 boards and commissions that serve the community of Peoria and they include the following: the Arts Commission, the Board of Adjustments, the Design Review Appeal Board, the Economic Development Advisory Board, the Library Board, the Parks and Recreation Board, the Planning and Zoning Commission, the Public Safety Retirement Board, and the Youth Advisory Board. Peoria's government provides numerous municipal services to the residents of Peoria, including the following: building permits, trash collection, police protection, fire protection, housing services, zoning services, water and sewer services, and traffic engineering. The six zip codes designated exclusively for Peoria are 85345, 85380, 85381, 85382, 85383, and 85385. The U.S. Postal Service operates five post offices in Peoria.

6. The Peoria Chamber of Commerce provides a listing of hundreds of businesses located in Peoria and serving the community of Peoria. A number of local businesses identify with the community by using "Peoria" in their name, including the Peoria Animal Hospital, A-Peoria Plumbing, Peoria Cleaners & Laundry, Peoria Grand Storage Solutions, Peoria KIA, Peoria Mini Storage, Peoria Nissan, and Peoria Pontiac-GMC. Medical services are provided by the Desertview Medical Clinic, the Smart Care Medical Clinic, and a number of sole practitioners. The Transit Division of the City of Peoria offers its residents alternative means of

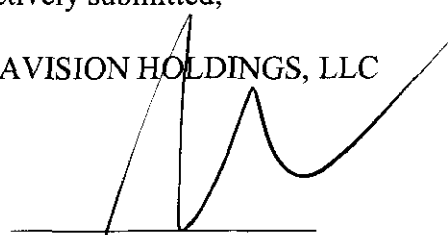
public transportation. The Peoria Unified School District serves the residents of Peoria with three high schools and numerous elementary schools, including Peoria High School, Centennial High School, Sunrise Mountain High School, Peoria Elementary, Ira A. Murphy Elementary, and Park Ridge Elementary. The Peoria Public Library system provides the residents of Peoria with three libraries, including the Main Library, the Sunrise Mountain Library, and West Valley Art Museum Library. Peoria has its own police and fire departments. Peoria is clearly independent of the Avondale Urbanized Area as well as the Phoenix-Mesa Urbanized Area and thus deserving of a first local service.

7. As stated earlier, Entravision's proposal is categorically favored over the Black Entrepreneur Association's proposal under the Commission's allotment priorities. Thus, Entravision respectfully requests that the Commission grant Entravision's *Petition* as proposed in the *NPRM*.

Respectively submitted,

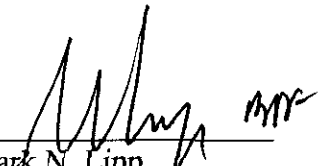
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November 17, 2005

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CERTIFICATE OF SERVICE

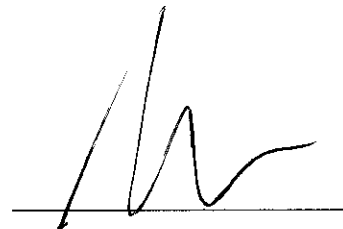
I, Barry A. Friedman, of the law firm of Thompson Hine LLP, do hereby certify that I have on this 17th day of November, 2005, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Comments**" to the following:

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A handwritten signature in black ink, appearing to be 'B. Friedman', written over a horizontal line.

* VIA HAND DELIVERY